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February 9, 2024

Civi Case: 3:24-CV-01032: Attempted Murder Twice.

8th Amendment Argument Against La Policia De Puerto Rico.

During congressional consideration of the Cruel and Unusual Punishments Clause one Member objected to “the import of [the words] being too indefinite” and another Member said: “No cruel and unusual punishment is to be inflicted; it is sometimes necessary to hang a man, villains often deserve whipping, and perhaps having their ears cut off; but are we in the future to be prevented from inflicting these punishments because they are cruel? If a more lenient mode of correcting vice and deterring others from the commission of it would be invented, it would be very prudent in the Legislature to adopt it; but until we have some security that this will be done, we ought not to be restrained from making necessary laws by any declaration of this kind.”¹ It is clear from some of the complaints about the absence of a bill of rights including a guarantee against cruel and unusual punishments in the ratifying conventions that tortures and barbarous punishments were much on the minds of the complainants,² but the English history which led to the inclusion of a predecessor provision in the Bill of Rights of 1689 indicates additional concern with arbitrary and disproportionate punishments.³ Though few in number, the decisions of the Supreme Court interpreting this guarantee have applied it in both senses.

Footnotes¹

¹ Annals of Congress 754 (1789). back

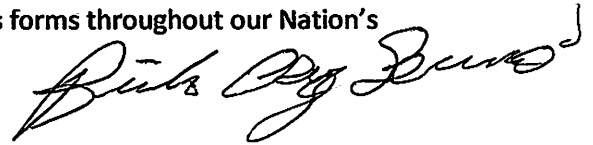
²

E.g., 2 J. Elliot, *The Debates in the Several State Conventions on the Adoption of the Constitution* 111 (2d ed. 1836); ³ id. at 447–52. back

³

See Granucci, “Nor Cruel and Unusual Punishments Inflicted” : The Original Meaning, 57 Calif. L. Rev. 839 (1969). Disproportionality, in any event, was used by the Court in *Weems v. United States*, 217 U.S. 349 (1910). It is not clear what, if anything, the word “unusual” adds to the concept of “cruelty” (but see *Furman v. Georgia*, 408 U.S. 238, 276 n.20 (1972) (Brennan, J., concurring)), although it may have figured in *Weems*, 217 U.S. at 377, and in *Trop v. Dulles*, 356 U.S. 86, 100 n.32 (1958) (plurality opinion), and it did figure in *Harmelin v. Michigan*, 501 U.S. 957, 994–95 (1991) (“severe, mandatory penalties may be cruel, but they are not unusual in

the constitutional sense, having been employed in various forms throughout our Nation's history").

A handwritten signature in black ink, appearing to read "Ruth Ayres". The signature is written in a cursive, flowing style with a large initial 'R' and a distinct 'A'.